

ORIGINAL

RECEIVED
AND FILED

2001 OCT -9 AM 7:23

UNITED STATES
BANKRUPTCY COURT
PATRICIA GRAY, CLERK

Jennifer A. Smith (State Bar No. 610)
Etta L. Walker (State Bar No. 5537)
LIONEL SAWYER & COLLINS
1100 Bank of America Plaza
50 W. Liberty St.
Reno, Nevada 89501
(775) 788-8666

David S. Kurtz
Timothy R. Pohl
SKADDEN, ARPS, SLATE, MEAGHER
& FLOM (ILLINOIS)
333 West Wacker Drive
Chicago, Illinois 60606
(312) 407-0700

Gregg M. Galardi
Eric M. Davis
SKADDEN, ARPS, SLATE, MEAGHER
& FLOM LLP
One Rodney Square
Wilmington, Delaware 19899
(302) 651-3000

Attorneys for the Debtors and
Debtors in Possession

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re
WASHINGTON GROUP
INTERNATIONAL, INC., et al.,

Case No. BK-N-01-31627
Chapter 11

**ORDER AUTHORIZING DEBTORS TO
ASSUME CERTAIN NONRESIDENTIAL REAL
PROPERTY LEASES, AS AMENDED, AT 508
AND 510 CARNEGIE CENTER, PRINCETON,
NEW JERSEY**

Debtors.

Hearing Date: October 5, 2001
Hearing Time: 9:30 a.m.

Upon the motion dated September 14, 2001 (the

"Motion")¹ of the above-captioned debtors and debtors-in-

¹ Except as otherwise defined herein, all capitalized terms shall have the meanings ascribed to them in the Motion.

2486

1
2
3 possession (the "Debtors") for entry of an order under 11
4 U.S.C. § 365(a) and Fed. R. Bankr. P. 6006 authorizing the
5 Debtors' assumption of certain unexpired nonresidential real
6 property leases, as amended, located at 508 and 510 Carnegie
7 Center, Princeton, New Jersey; and after a hearing on the
8 Motion; and the Court having considered the Motion; and upon
9 the record herein; and after due deliberation thereon; and
10 good and sufficient cause appearing therefor; it is hereby

11 FOUND THAT:

12 A. The relief requested in the Motion is in the
13 best interests of the Debtors, their estates, their credi-
14 tors, and other parties in interest;

15 B. Proper and adequate notice of the Motion has
16 been given and no other or further notice is required;

17 C. The Debtors have exercised sound business
18 judgment in deciding to assume the Leases, as amended, and
19 have satisfied the requirements of 11 U.S.C. § 365(a) and
20 Fed. R. Bankr. P. 6006; and it is therefore,

21 ORDERED, ADJUDGED AND DECREED THAT:

22 1. The Motion is GRANTED.

23 2. Under Code section 365(a), the Debtors are
24 hereby authorized to assume the Leases effective upon the
25 entry of this Order.
26
27
28

1
2
3 3. In the event that this Order does not become a
4 final order by January 31, 2002, and absent an agreement
5 between the landlords and the Debtors to extend this dead-
6 line, the Leases will be deemed rejected.

7 4. Under Bankruptcy Code section 365(b), the
8 Debtors are hereby authorized and directed to pay the cure
9 amount under the Leases in the total amount of \$231,239.49
10 (the "Cure Payment").

11 5. In addition to the Cure Payment, the Debtors
12 shall remain liable for any Additional Rent (as that term is
13 defined in the Leases) or adjustments that may have accrued
14 before the Effective Date of the Lease Amendments, but will
15 not become due or payable until after the Effective Date.
16 The Debtors will pay these amounts, if any, as and when they
17 become due in accordance with the terms of the Leases.
18
19
20
21
22
23
24
25
26
27
28

1
2
3 6. This Court shall retain jurisdiction to decide
4 any disputes arising between the Debtors and the landlords
5 to the Leases but only with respect to the assumption of the
6 Lease pursuant to this Order.

7 DATED this **OCT - 9 2001** day of October, 2001.

8
9 
10 Hon. Gregg W. Zive
11 UNITED STATES BANKRUPTCY JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28